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General Assembly

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Sixty-fifth session
Agenda item 45
Question of the Falkland Islands (Malvinas)

Letter dated 4 January 2011 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit the enclosed document in reply to the letter submitted by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations, which was issued as document A/65/617.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under agenda item 45 concerning the question of the Malvinas Islands.

(*Signed*) Ana **Bianchi**
Minister

11-20169 (E) 100111 110111

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Annex to the letter dated 4 January 2011 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General

"The Government of the Argentine Republic rejects in its entirety the letter from the United Kingdom addressed to the Secretary-General, circulated as document A/65/617, which includes as an annex a letter from the so-called authorities of the Malvinas Islands.

The Government of the Argentine Republic would like to recall that in 1965, by its resolution 2065 (XX), the United Nations General Assembly recognized the question of the Malvinas Islands as a sovereignty dispute between Argentina and the United Kingdom that must be resolved through negotiations between the parties, taking into account the interests of the Islands' population. This view was based on the particular characteristics of the Malvinas issue, which led the United Nations to describe it as a special and particular colonial situation. That position was endorsed in nine other resolutions of the General Assembly and more than 27 resolutions of the Special Committee on decolonization, the most recent of which was adopted on 24 June 2010.

The Government of the United Kingdom of Great Britain and Northern Ireland refuses to engage in the dialogue which the international community has urged both parties to undertake, thus violating its responsibilities and obligations as a Member of the United Nations.

The United Kingdom is violating United Nations doctrine on the Malvinas issue by requesting the circulation of a letter from the so-called authorities of a colonial territory with a transplanted population that is the object of a sovereignty dispute, the solution of which involves only the two parties to the dispute: Argentina and the United Kingdom.

The letter in question reveals the contradictory nature of the United Kingdom's policy on the issue by referring to the Special Committee on decolonization, a United Nations body with which the United Kingdom ceased to cooperate in 1986. Since then, the United Kingdom has not supported or participated in the Committee's activities to put a definitive end to the anachronistic colonial system, despite its status as the administering Power of 10 of the 16 Non-Self-Governing Territories included in the Committee's programme of work.

The Argentine Republic reaffirms its rights of sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas."

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Sixty-fifth session
Agenda item 45
Question of the Falkland Islands (Malvinas)

Letter dated 3 January 2011 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith the press release issued today by the Government of the Argentine Republic on the occasion of the latest anniversary of the illegitimate occupation of the Malvinas Islands by the United Kingdom of Great Britain and Northern Ireland (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under agenda item 45 concerning the question of the Malvinas Islands.

(*Signed*) Jorge **Argüello**
Ambassador
Permanent Representative

11-20163 (E) 100111 100111

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Annex to the letter dated 3 January 2011 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

Press release

3 January 2011

"One hundred seventy-eight years ago, on 3 January 1833, British forces occupied the Malvinas Islands, forcibly expelling their inhabitants and the Argentine authorities that had been legitimately established there. The Argentine Republic immediately protested that act of force, to which it never consented. The occupation has continued since that time.

The Argentine Government once again reaffirms the Argentine Republic's imprescriptible rights of sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, which are an integral part of its national territory.

Argentina and the United Kingdom have reached provisional bilateral understandings on practical matters relating to the South Atlantic, under the sovereignty formula, in successive joint declarations and exchanges of notes, with a view to cooperating to create conditions conducive to the resumption of negotiations on sovereignty.

However, the United Kingdom remains unwilling to address the question of sovereignty and continues to carry out repeated unilateral acts in the disputed area. These unlawful unilateral acts include activities for the exploitation and exploration of renewable and non-renewable natural resources, as well as military exercises, including the firing of missiles from the Malvinas Islands, in violation of safety of navigation standards adopted within the framework of the International Maritime Organization. These unilateral acts have been challenged by regional and biregional organizations, including the Southern Common Market (MERCOSUR), the Union of South American Nations (UNASUR), the Rio Group, the Latin American and Caribbean Unity Summit and the Ibero-American Summit.

These British acts pose an insurmountable obstacle to the pursuit and development of bilateral cooperation under the provisional understandings, as they run counter to the spirit and letter of such agreements and of United Nations General Assembly resolution 31/49, which calls upon the two parties to refrain from taking decisions that would introduce unilateral modifications in the situation while the islands are going through the process recommended in the relevant resolutions.

The Argentine Republic regards as incomprehensible the British refusal to address the fundamental issue and find a peaceful and definitive solution to the sovereignty dispute, as mandated by the international community, and once again reiterates its continued and sincere willingness to resume the process of bilateral negotiations with the United Kingdom in order to find a definitive solution to the sovereignty dispute so as to end this anachronistic colonial situation, which is incompatible with developments in the modern world."

United Nations A/65/685

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Sixty-fifth session
Agenda item 68
Promotion and protection of human rights

Note verbale dated 24 December 2010 from the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General

The Permanent Mission of Cuba to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to transmit herewith (in its English, French and Spanish versions) the final declaration of the Cuban Civil Society Forum, held on 10 December (see annex), on the occasion of International Human Rights Day, dedicated to the situation of the five Cuban counter-terrorism fighters who have been deprived of their liberty for 12 years in United States prisons.

The Permanent Mission of Cuba requests the Secretary-General to circulate this Declaration as a document of the General Assembly under agenda item 68: Promotion and protection of human rights.

11-20344 (E) 110111 130111

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Annex to note verbale dated 24 December 2010 from the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General

Final declaration of the Cuban Civil Society Forum for the Liberation of the Cuban Five

One hundred and fifteen delegates from 74 Cuban civil society organizations and 5 regional and international organizations headquartered in Cuba, who met in Havana, Cuba, on 10 December 2010, International Human Rights Day, participating in the Cuban Civil Society Forum for the Liberation of the Cuban Five, agreed upon the following declaration:

1. Members of the panel have provided the Forum with a detailed update on the situation of the five Cuban counter-terrorism fighters, who have been incarcerated for 12 years in United States prisons, namely: Gerardo Hernández, Antonio Guerrero, René González, Ramón Labañino and Fernando González, objectively revealing the legal violations committed during the criminal proceedings undertaken against them by the authorities and courts acting in the case.

2. We condemn the human rights violations that have been committed against the aforementioned prisoners, from the moment of their detention, throughout the judicial process and during their time in prison serving the unjust and evidently illegal sentences imposed upon them.

3. The case of the Cuban Five is absolutely political. It has been the longest trial in the United States, kept quiet by the conspiratorial mass media, despite evident law-breaking and the injustice of the judicial process taken against them. While the Five are serving unjust prison sentences, international terrorists like Orlando Bosch Avila and Luis Posada Carriles freely walk the streets of Miami and have been honoured at a university in that city.

4. It is necessary to speak the truth about the case of the Cuban Five. These Cubans succeeded in infiltrating the anti-Cuban terrorist networks in Miami. Their objective was simply to prevent terrorist acts against Cuba, since it is well known that Miami plays host to terrorist groups, operating with impunity, that have caused the death of innocent people in our country and others, planned hundreds of projects and carried out assassinations and sabotages with a view to destroying our economy, spreading disease among the population and attacking the peace, stability and development of Cuba by other means.

5. Following a rigged trial, in the very territory of the State of Florida where those groups are based, despite the lack of evidence proving that they carried out acts or sought information about United States national security issues, they were given unjust prison sentences. Although three of the Five have had their sentences adjusted and the life sentences imposed on Ramón and Antonio have been lifted, the new sentences are still unjust. Gerardo has been sentenced to two life sentences and 15 years in prison, and has remained in maximum-security prison facilities. Cuba blames the Government of the United States for the lack of medical attention provided to him during the serious health situation he experienced when he fell ill upon being arbitrarily sent into solitary confinement again this year.

6. The abuses endured by the five Cuban heroes while in prison are also a flagrant violation of their human rights and of the international covenants, agreements and conventions governing humanitarian law. During their long period of incarceration, these five Cubans have faced great obstacles to the exercise of their rights and have been subjected to cruel punishments, including extended periods in solitary confinement.

7. It is telling that on 27 May 2005, the Working Group on Arbitrary Detention of the former United Nations Commission on Human Rights declared that the detentions of these five Cubans were **ARBITRARY** and urged the Government of the United States immediately to adopt the necessary steps to remedy the situation. This decision was the first time that body had considered a trial held in the United States.

8. The struggle for the freedom of the Five is now a call by the international community. Social, political and professional organizations, Governments, parliaments, cultural and scientific figures, Nobel laureates, jurists, civil society organizations and others have got behind this demand as a gesture of solidarity for this just cause. The Cuban civil society organizations present at this Forum raise our voices to demand justice through the liberation of the five Cuban heroes. We call upon all persons and organizations who love justice and the highest human feelings to join our demand. All those present must raise awareness about the case of the Cuban Five using e-mail or other means to reach the members or their organizations, friends and family members, requesting their solidarity through actions such as sending messages or making telephone calls to the offices of the President of the United States requesting the liberation of the Cuban Five through the use of his legal and constitutional powers of decree.

9. We call for international solidarity, in particular from the people of the United States, support for the Cuban people' s demand for the President of that country, Barack Obama, to correct this injustice. **International solidarity can make their return to the homeland and to their families possible!**

On this Human Rights Day, we honour the heroic attitude of Gerardo, Fernando, Ramón, René and Antonio, symbols of our people' s decision to defend the Homeland and the values of justice, freedom and solidarity which they heroically represent. Likewise, we support the dignified and brave conduct of their families, whom we admire, and we reaffirm that we will continue on with them in this battle for truth until we achieve their freedom, denouncing the injustice and cruelty to which their loved ones have been subjected.

They shall return!

(*Signed*) The representatives of the Cuban Civil Society organizations participating in the Forum